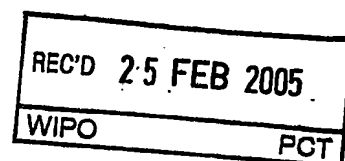


PATENT COOPERATION TREATY

PCT



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PI 0204130-8	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/BR 2003/000134	International filing date (<i>day/month/year</i>) 17 September 2003 (17.09.2003)	Priority Date (<i>day/month/year</i>) 18 September 2002 (18.09.2002)
International Patent Classification (IPC) or national classification and IPC IPC⁷: A61K 35/78		
Applicant BARROS SILVIA BERLANGA DE MORAES		

1.	This international preliminary examination report has been prepared by this International Preliminary Examination Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u> 4 </u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3.	This report contains indications relating to the following items: <ul style="list-style-type: none"> I. <input checked="" type="checkbox"/> Basis of the opinion II. <input type="checkbox"/> Priority III. <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV. <input type="checkbox"/> Lack of unity of invention V. <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI. <input type="checkbox"/> Certain documents cited VII. <input type="checkbox"/> Certain defects in the international application VIII. <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand <div style="text-align: center;">19.04.2004</div>	Date of completion of this report <div style="text-align: center;">8 February 2005 (08.02.2005)</div>
Name and mailing address of the IPEA/AT Austrian Patent Office Dresdner Straße 87 A-1200 Vienna Facsimile No. 1/53424/200	Authorized officer <div style="text-align: center;">MOSSER R.</div> Telephone No. 1/53424/437

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/BR 2003/000134

I. Basis of the report**1. With regard to the elements of the international application:***☒ the international application as originally filed☐ the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____.

☐ the claims:

pages _____, as originally filed

pages _____, as amended (together with any statement) under Article 19

pages _____, filed with the demand

pages _____, filed with the letter of _____.

☐ the drawings:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____.

☐ the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.**4. ☐ The amendments have resulted in the cancellation of:**☐ the description, pages _____.☐ the claims, Nos. _____.☐ the drawings, sheets/fig _____.**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).****

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as „originally filed“ and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement			
1. Statement	Novelty (N)	Claims 2, 3, 5, 8, 9	YES
		Claims 1, 4, 6, 7, 10, 11	NO
	Inventive step (IS)	Claims 5, 8, 9	YES
		Claims 1-4, 6, 7, 10-13	NO
	Industrial applicability (IA)	Claims 1-10	YES
		Claims 11-13	NO
Citations and explanations (Rule 70.7)			
<p>The following documents have been cited in the Search Report:</p> <p>D1: JP 2001 122763 A</p> <p>D2: ISOBE T. et al. Antibacterial constituents against Helicobacter pylori of Brazilian medical plant, Pariparoba, Yakugaku zasshi. Journal of the Pharmaceutical Society of Japan, April 2002, Vol. 122, No. 4, pages 291-294, ISSN 0031-6903. Medline-abstract [online] [retrieved on 31.10.2003]. Retrieved from: EPOQUE Medline Database, AN NLM11968842.</p> <p>D3: FELZENSZWALB I. et al. Absence of mutagenicity of Potomorphe umbellata and Potomorphe peltata in the Salmonella/mammalian- microsome mutagenicity assay. Brazilian journal of medical and biological research, 1987, Vol. 20, No. 3-4, pages 403-405, ISSN 0100-879X. Medline-abstract [online] [retrieved on 31.10.2003]. Retrieved from: EPOQUE Medline Database, AN NLM3330461.</p> <p>D4: DE 19933857 A1</p> <p>D5: JP 09 208483 A</p> <p>Novelty is not recognized for the subject-matters of claims 1, 4, 6, 7, 10 and 11 because D1 concerns the treatment of skin diseases. The "reduction in functions of the skin" can be interpreted as skin disease. Skin disease also comprises "photodamage of skin". D1 as well as above mentioned claims concern compounds from Pothomorphe umbellata. It is clear that pharmaceutical compositions of D1 comprise substances which facilitate the uptake via the skin. Further it is obvious to inhibit oxidation processes of the skin with "function keeping" pharmaceutical compositions. Thus no inventive step is recognized for the subject-matters of the claims 2, 3, 12 and 13.</p> <p>D2 concerns the treatment of diseases which may lead to cancer. Also claim 4 concerns cancer. Accordingly, the subject-matter of claim 4 appears to be obvious from D2.</p> <p>D3 relates to the absence of mutagenicity of Pothomorphe umbellata in an assay. It is generally known that mutagenicity goes hand in hand with cancer. A person skilled in the art will be encouraged by D3 to test substances from Pothomorphe umbellata for anti cancer properties. Thus claim 4 seems to be obvious from D3. The claims 5, 8 and 9</p>			

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box V (page 1)

reveal technical details which are not obvious from the cited documents. The other documents which are cited in the search report do not interfere with novelty and inventive step.

Industrial applicability is given for the subject-matters of claims 1-10. Claims 1-13 concern a method for treatment of the human or animal body by therapy (see PCT Rule 39.1 (iv)), therefore industrial applicability is not given for these claims.